

JAN 25 2007

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**FACSIMILE COVER LETTER**

**To:** Examiner: Pond, Robert M.  
**Firm:** U.S. Patent and Trademark Office  
**Facsimile:** 571-273-8300  
**From:** Thomas F. Presson  
**Date:** January 25, 2007  
**Re:** U.S. Serial No. 09/936,882  
Art Unit: 3625  
Our Ref.: 450126-04025

**Number of Pages:** 3  
(including cover page)

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U.S. Application Serial No.: 09/936,882

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450126-04025

JAN 25 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellants : Ken Kutaragi, et al.  
Appl. No. : 09/936,882  
Filed : February 21, 2002  
Title : FLEXIBLE LICENSE PAYMENT METHOD FOR  
ELECTRONIC COMMERCE SYSTEM  
Art Unit : 3625  
Examiner : Pond, Robert M.  
Confirmation No. : 2953

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<u>Bull</u> Signature
<u>January 25, 2007</u> Date of Signature

**RESPONSE TO COMMUNICATION RE: APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Communication Re: Appeal mailed on December 28, 2006, having a one-month statutory period for response set to expire on January 29, 2007 (January 28, 2007 being a Sunday), Appellants' Attorney Thomas F. Presson (Reg. No. 41,442) conducted a telephone interview with Examiner Robert Pond on January 23, 2007. During the interview, it was agreed that the Appellants' Appeal Brief, as submitted, was in response to the outstanding Final Rejection of October 25, 2005.

U.S. Application Serial No.: 09/936,882

PATENT  
450126-04025**REMARKS**

Thus, the Communication mailed on December 28, 2006 which characterized Appellants' Appeal Brief of September 29, 2006 as not acceptable was in error. The Examiner confirmed that the Appeal Brief, as submitted, was proper in response to the Final Office Action of October 25, 2005.

Accordingly, the Examiner agreed that the Appeal Brief of September 29, 2006 was proper and will be considered.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Appellants

By:



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